



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,073	04/19/2000	Adam Coyle	06042-0145	3055

24728 7590 06/25/2002

MORRIS MANNING & MARTIN LLP
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE ROAD, NE
ATLANTA, GA 30326-1044

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552093

Applicant(s)

Norton

Examiner

H. 9

Group Art Unit

3628

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 7/19/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3624

DETAILED ACTION

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 USC 103(a) as unpatentable over Downing(US Pat. No: 5,963,647) in view of Pollen(US Pat. No:5,966,698).
4. As per claim 1 Downing teaches a method of issuing a negotiable instrument to an individual comprising detecting a direct deposit of funds into an first account of an individual and maintained by a first entity and transferring the funds unto a second account (Abstract)(Fig 5A).Downing fails to teach detecting a request by an individual for the issuance of a requested negotiable instrument having a value. Pollen teaches this(Abstract)(col 5 lines 4-35)as well as determining that the value of the requested negotiable instrument is not in excess of the second account(col 6 lines 23-42)(Fig 2/214) and authorizing the issuance of the requested negotiable instrument(col 6 lines 43-54) and debiting the second account by the amount of the instrument(Fig 5/2)(col 4 lines 58-67).It would have been obvious to one skilled in the art at the time of the invention to combine Downing in view of Pollen to teach the above. The motivation to combine is to teach a method of collecting

Art Unit: 3624

funds from a customer's account when authorized, without the use of a physical check as enunciated by Pollen(col 3 lines 37-40).

5. As per claims 2,8,14 Downing teaches the method of claims 1,13 respectively detecting the direct deposit of funds into the first account and detecting a credit in the first account and wherein automatically transferring the total amount of the funds for direct deposit of funds into the into the second account comprises posting a debit in the first account and a credit in the second account(Fig 5B/S11)(Fig 6A/S115)(col 10 line 64-col 12 line 5).

6. As per claims 3,15 Downing teaches the method of claim 1,13 respectively wherein the first entity is subject to federal banking regulations and wherein the second entity is not(Fig 2).

7. As per claims 4,16 Downing teaches the method of claims 3,13 respectively. Downing does not specifically teach wherein the first entity is a bank and wherein the second entity is a licensed money transmitter. Pollin teaches this(Abstract)(Fig 4)(col 6 lines 24-54).It would have been obvious to one skilled in the art at the time of the invention to combine Downing in view of Pollen to teach the above. The motivation to combine is to teach a method of collecting funds from a customer's account when authorized, without the use of a physical check as enunciated by Pollen(col 3 lines 37-40).

8. As per claims 5,6 Downing teaches according to the method of claim 1. Downing does not specifically teach determining the value of the requested negotiable instrument is not in excess of the balance of the second account comprises determining that the value of the requested negotiable instrument plus any fees charged to the individual is not in excess of the balance of the

Art Unit: 3624

second account. Pollen teaches this(Abstract)(col 5 lines 4-35)as well as determining that the value of the requested negotiable instrument is not in excess of the second account(col 6 lines 23-42)(Fig 2/214) and authorizing the issuance of the requested negotiable instrument(col 6 lines 43-54) and debiting the second account by the amount of the instrument(Fig 5/2)(col 4 lines 58-67).It would have been obvious to one skilled in the art at the time of the invention to combine Downing in view of Pollen to teach the above. The motivation to combine is to teach a method of collecting funds from a customer's account when authorized, without the use of a physical check as enunciated by Pollen(col 3 lines 37-40).

9.As per claim 7 Downing teaches the method of claim 6. Downing does not specifically teach wherein determining that the aggregate value of the requested multiple negotiable instruments is not in excess of the balance of the second account and comprises determining that the aggregate value of the requested multiple negotiable instruments plus any fees charged to the individual that is not in excess of the balance of the second account.Pollen teaches this(Abstract)(col 5 lines 4-35)as well as determining that the value of the requested negotiable instrument is not in excess of the second account(col 6 lines 23-42)(Fig 2/214) and authorizing the issuance of the requested negotiable instrument(col 6 lines 43-54) and debiting the second account by the amount of the instrument(Fig 5/2)(col 4 lines 58-67).It would have been obvious to one skilled in the art at the time of the invention to combine Downing in view of Pollen to teach the above and to apply these principles in the aggregate. The motivation to combine is to teach a method of collecting

Art Unit: 3624

funds from a customer's account when authorized, without the use of a physical check as enunciated by Pollen(col 3 lines 37-40).

10. As per claim 9 Downing teaches the method of claim 1 wherein determining the value of the requested negotiable instrument is not in excess of the balance of the second account comprises receiving an account number and a PIN number(col 6 lines 9-34) and determining that the account number identifies the second account(col 6 lines 59-65) and determining that the PIN number identifies the individual as being authorized to access the account(col 6 lines 18-21) and comparing the value of the requested negotiable instrument to the balance in the second account(col 6 lines 47-53).It would have been obvious to one skilled in the art at the time of the invention to combine Downing in view of Pollen to teach the above and to apply these principles in the aggregate. The motivation to combine is to teach a method of collecting funds from a customer's account when authorized, without the use of a physical check as enunciated by Pollen(col 3 lines 37-40).

11. Claim 10 is rejected under the same rationale as delineated in claims 9 and 1 above.

12. As per claim 11 Downing teaches the method of claim 10 further comprising cashing the negotiable instrument(col 5 lines 34-46)(col 7 lines 22-28).

13. Claim 12 is rejected under the same rationale as delineated in claims 8 and 1 above.

14.Claim 13 is rejected under the same rationale as claim 1 and in combination with Downing also teaching a POS terminal(CAT)(Fig 2/6/12).

Art Unit: 3624

15. Claim 17 is rejected under the same rationale as claims 1 and 2 and in combination with Downing also teaching a POS terminal(CAT)(Fig 2/6/12).

16. Claim 18 is rejected under the same rationale as claim 9 and in combination with Downing also teaching a POS terminal(CAT)(Fig 2/6/12).

17. Claim 19 is rejected under the same rationale as claim 9 and determining that the account number identifies the second account(col 6 lines 59-65) providing the requisite anonymity.

18. Claim 20 is rejected under the same rationale as claims 9 and 1 as delineated above.

19. Claim 21 is rejected under the same rationale as claims 3 and 4 delineated above.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Corder teaches a smart card for transferring value

- Gephart teaches an electronic payment system with limited-use account number

21. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the

Application/Control Number: 09/552073

Page 7

Art Unit: 3624

status of this application should be directed to the Group receptionist whose telephone number is
(703)-308-1113.

GRA

June 18, 2002

